

In the United States Court for the Middle District of Alabama

Montgomery, Alabama

Albert Carter, Jr., 167266

Defendant

-vs-

United States of America

Respondent

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FEDERAL JUDGE, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Case No. 2:05 CV 654

Motion for Recusal

Come now, the defendant Albert Carter, Jr., prose and respectfully move this Honorable Court in his Motion for Recusal of /s/ Charles S. Goody Chief United States Magistrate Judge according to Ala. Fed. R. Cr. P. and Rule 43(C)(2) of Federal Rule of Appellate procedure, Act 5 U.S.C. App. 2 1-15 15 USC App. 1-157 160 ALR Fed 483.

Constitution and application of U.S.C. 455 (a) providing for disqualification of Justice, Judge, Magistrate in any proceeding in which his impartiality might be questioned.

At the onset the defendant was unconstitutionally arrested on a bogus Complaint filed 2/20/2003 signed by Charles S. Goody, Felon in possession of a firearm after being convicted of Solicitation - murder in 1983. In violation of 18 USC 922 (g)(1) that is without merits. The Court lack subject matter, or jurisdiction to hear the case,³ because of "prosecutor - mis-conduct" was without the authority to change the course. See defense Exhibit 1.

The Civil Case was dismiss by your honor is the object of this 2254 motion it is critical to the Issue for Charles Waddy Chief magistrate judge recusal is understanding that this is not a run-of-the-mill legal dispute about and administrative decision... Because your own conduct is the central of this case.

The decision whether a judge's impartiality can "reasonably be question" is to be made in light of facts as they existed, not as they were summarized or reported See *Microsoft Corp. v. United States*, 530 U.S. 1301, 1302, 147 L.Ed.2d 1048, 121 S.Ct. (2000) (Rehnquist, C.J.) (opinion respecting recusal)

wherefore the defendant respectfully request that this Court grant his motion for recusal for reason stated above the defendant pray.

Albert Waddy, Jr. pro se

618-217

1000 St Clair Rd

Springville, Alabama

35146

Done this the 17th day of July 2006

Certification of Service

I hereby certify that I have this 17th day of July 2006 Served a copy of the foregoing, upon the following, by placing copy of the same in the United States mail postage prepaid and properly addressed:

J. R. Perrie

P.O. Box 197

Montgomery, Alabama
36101

Albert Carter Jr. 107266

GIB-217

1006 St Clair Rd

Springville, Alabama
35146

Done this the 17th day of July 2006